

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

<b>LEONARDO HARDWICK</b>	:	<b>CIVIL ACTION NO. 1:12-cv-1936</b>
	:	
Plaintiff	:	<b>(Chief Judge Kane)</b>
	:	<b>(Magistrate Judge Blewitt)</b>
v.	:	
	:	
<b>R. PACKER, et al.</b>	:	
	:	
Defendants	:	

**O R D E R**

Before the Court in the above-captioned action is a July 16, 2013 Report and Recommendation of the Magistrate Judge. No timely objections have been filed.

**AND NOW**, upon review of the record and the applicable law, **IT IS HEREBY ORDERED THAT:**

- 1) The Court adopts the Report and Recommendation of Magistrate Judge Blewitt.
- 2) Defendants' Motion to Dismiss, or for Summary Judgment (Doc. No. 15) is converted into a summary judgment motion and **GRANTED** to the extent that it seeks summary judgment with respect to all of Plaintiff's constitutional claims against Defendant Warden Thomas. The Clerk of Court shall enter Judgment in favor of Defendant Warden Thomas and against Plaintiff.
- 3) Defendants' Motion for Summary Judgment is **GRANTED** as to Plaintiff's claims of conspiracy, of excessive force and of retaliation as against Defendant CO Packer. The Clerk of Court shall enter Judgment in favor of Defendant CO Packer and against Plaintiff.
- 4) Plaintiff's Motion for Extension of Time to file a sur-reply brief (Doc. No. 39) is

**DENIED.**

- 5) The Clerk of Court shall close this case.

S/ Yvette Kane

YVETTE KANE, Chief Judge  
Middle District of Pennsylvania

Dated: August 6, 2013